

Bar Harbor Gateway District Ordinance

Town of Bar Harbor

An Amendment to adopt the Bar Harbor Gateway land use district.

*The Town of Bar Harbor hereby ordains that Chapter **125** of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125, LAND USE ORDINANCE

ARTICLE II, Establishment of Districts

§ 125 -12. Neighborhood Districts.

For the purposes of this chapter, all land and water areas in the Town of Bar Harbor are hereby divided into the following districts:

~~Bar Harbor Corridor~~ Bar Harbor Gateway

Article III, Land Use Activities and Standards

§ 125-17. Bar Harbor Gateway ~~Corridor~~.

A. Purpose:

The Bar Harbor Gateway District largely consists of a mix of historically significant properties, various transient accommodations, and commercial uses including a ferry terminal. It is situated along Route 3 and represents the primary point of access for visitors to downtown Bar Harbor and Acadia National Park. New development, redevelopment, and infill development shall respect the following standards to assure that the design and use of properties within this district are compatible to any nearby properties.

B. Dimensional Standards

- (1) Minimum lot size: 20,000 square feet with sewers; 40,000 square feet without sewer.
- (2) Minimum road frontage and lot width: 100 [feet] with sewer; 150 [feet elsewhere].
- (3) Minimum front setback: 50 [feet] on Route 3, 25 [feet] elsewhere.
- (4) Minimum side setback: 25 [feet]

- (5) Minimum rear setback: 25 [feet]
- (6) Maximum lot coverage: 50%.
- (7) Maximum height: 40 [feet]
- (8) Minimum area per family: 5,000 square feet with sewers; 10,000 square feet without sewers.

~~C. § 125-17. Bar Harbor Corridor.~~

- ~~A. Minimum lot size: 20,000 square feet with sewers; 40,000 square feet without sewers.~~
- ~~B. Minimum road frontage and lot width: 100 [feet] with sewers; 150 [feet] without sewers.~~
- ~~C. Minimum front setback: 100 [feet] on Route 3; 75 [feet] elsewhere.~~
- ~~D. Minimum side setback: 25 [feet].~~
- ~~E. Minimum rear setback: 25 [feet].~~
- ~~F. Maximum lot coverage: 25%.~~
- ~~G. Maximum height: 40 [feet].~~
- ~~H. Minimum area per family: 5,000 square feet with sewers; 10,000 square feet without sewers.~~

C. Allowed Uses:

- (1) Principal uses allowed by building permit or a change of use permit with the Code Enforcement Officer: artist studio, child care family, gallery, government facility, home occupation¹; municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals; and single family dwelling.
- (2) Accessory Uses that are usual and normal to principal use are allowed if they are typically permitted by Code Enforcement Officer or site plan review for the district the use is proposed. Uses typically permitted by the Code Enforcement Officer, Site Plan, or those that require Conditional Use Permit shall be required to obtain minor site plan approval.

D. Uses allowed by site plan:

- (1) The following uses shall be permitted by site plan review in any part of this district: bank; bed and breakfast I; bed and breakfast II; bed and breakfast III; bed and breakfast IV; bed and breakfast V; child care center; commercial boat yard; commercial fish pier; farmers market; hotel, marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking garage and parking lot; private compulsory school; professional office building; restaurant; road construction; services; take out restaurant; wind turbines, and wireless communication facilities.

¹ Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain Minor Site Plan approval.

E. Allowed Activities:

- (1) Activities allowed without a permit, provided it complies with all provisions of Section 125: activities necessary for managing/protecting land; filling/earth moving activity less than 16 cubic yards; forest management activities except timber harvesting; non-intensive recreation uses not requiring structures; public utility installation/essential services.
- (2) Activities allowed by building permit and require approval of the Code Enforcement Officer: driveway construction; filling/earth moving activity 16 cubic yards or more.

F. Other Requirements²:

- (1) All new construction or changes to facades and signs shall require Design Review Board approval. Single family homes are exempt from this provision unless otherwise included in Appendix A or B of this Chapter.
- (2) Parking lots shall require buffering and vegetative screening if visible from Route 3.
- (3) Lots with road frontage on Route 3 may be required to provide streetscape improvements such as trees, sidewalk, bike paths, benches, and/or other related improvements as deemed appropriate by the Planning Board in the case of major site plan, or the Planning Department in the case of a minor site plan, and/or the Design Review Board. Such improvements shall be exempt from setback requirements.

Article V, Site Plan Review

§ 125-67. General Review Standards.

The Planning Board, before granting site plan approval, must find the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

- B. Lot standards. Except as modified by the provisions for planned unit developments set forth in § 125-69M and S, as applicable, any proposed structure or lot must comply with the lot size, area per family, road frontage, lot width, and front, side and rear setback requirements, as determined by reference to Article III for each district in which it is proposed subject to the following: [Amended 5-7-1991; 11-5-1991; 5-1-1995; 5-6-1996; 11-2-1999; 11-4-2003; 5-3-2004; 11-2-2004; 5-2-2005; 6-13-2006^{1EN}]

- (6) Exceptions to setback. The following structures, subject to the limitations set forth below, are not subject to the setback requirements of the district in which they are located,

² Some members of the Town Council were not in favor of adding this area to the Design Review Board overlay district for review of façade changes. Several members felt that this area looked fine as it has developed, and should be allowed to continue to self-regulate. This was offered in the draft because the 2007 Comprehensive Plan called for this expansion of Design Review Board jurisdiction. This policy may need further discussion with Councilors, Planning Board members and Design Review Board.

provided that no such structure shall be constructed in such a way as to obstruct visibility from the end of any driveway or otherwise to constitute a safety hazard, and provided that the following structures comply with the provisions in §§ 125-68B(8) and (12), if applicable. [Amended 5-2-2005; 11-7-2006; 11-4-2008]

(j) Roadside stands.

(k) Streetscape improvements such as sidewalk, benches, bike paths etc.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII. [Amended 11-5-1991; 11-2-1999; 11-4-2003; 6-13-2006; 11-7-2006; 11-6-2007; 6-9-2009]

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness.

(a) Building permits required.

[1] All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the following districts:

[b] Bar Harbor Gateway Corridor.

Article XII, Construction and Definitions

§ 125-109. Definitions.

The following terms shall have the following meanings:

Commercial Fish Pier - - a permanent structure used for berthing, loading and unloading of commercial fishing vessels. The structure may also be used for commercial purposes such as chartering fishing boats, or selling locally caught fish for profit.

Article XIII, Design Review

§ 125-112. Applicability of Design Review.

A. Design Review Overlay Districts.

(1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the “district.”

(2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village Districts; the Shoreland General Development I District;

the Bar Harbor Gateway District, the Village Historic District; the Bar Harbor Historic Corridor District (excluding those corridor districts on Route 3 that are within the area of the Town shown on Tax Map 11D); and the Town Hill Village District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all Bed and Breakfast uses regardless of their district location.

MAP AMENDMENT

Assign the Bar Harbor Gateway District to the following Property Tax Map and Lot numbers pursuant the Proposed Zoning Changes map created on June 2, 2010:

Map and Lot	Map and Lot	Map and Lot	Map and Lot	Map and Lot
231-001-000	101-001-000	101-011-000	101-021-000	101-014-000
231-002-000	101-001-000	101-012-000	101-020-000	103-011-000
231-003-000	101-003-000	101-013-000	101-022-000	103-009-000
231-004-000	101-004-000	101-019-000	101-031-000	103-007-001
231-005-000	101-010-000	101-027-000	103-010-000	101-023-000
101-025-000				

[end of ordinance]

LEGISLATIVE HISTORY:

Introduced:	_____
Town Attorney Approved:	_____
Revised in response to Council input:	_____
Public Hearing:	_____
Council Adopted:	_____
Sent for Codification:	_____

[†] ~~Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.~~